

Appl. No. 09/481,196  
Amdt. dated September 13, 2004  
Reply to Office Action of June 15, 2004

### Remarks

The present amendment responds to the final Official Action mailed June 15, 2004. The Official Action rejected claims 1, 2, 5-10, 13-18, and 21-24 under 35 U.S.C. §103(a) based on Suzuki U.S. Patent No. 6,129,274 ("Suzuki") in view of Heutschi U.S. Patent No. 6,335,678 ("Heutschi"). This sole ground of rejection is addressed below following a brief discussion of the present invention to provide context.

Claims 1, 10, and 18 have been amended to be more clear and distinct. Claim 1 has been amended to clarify the basis for generating customer selectable options. Specifically, claim 1 has been amended by replacing the words "customer information" with the words "usage patterns including usage of electronic media previously downloaded to the customer contact device." Claim 10 has been amended to clarify the basis for "developing customer tailored selectable options and suggestions." Specifically, claim 10 has been amended by replacing the words "customer information and customer contact information" with the words "customer contact information including customer usage information, said customer usage information including information regarding usage of electronic media previously transferred to the customer contact device." Claim 18 has been amended to clarify the term "retrieved customer information" as the basis for "generating customer tailored selectable options" by adding the phrase "the retrieved customer information including usage of electronic media previously received onto the contact device." Support for these amendments can be found in the present specification, for example, at page 9, lines 6-7 and 17-19, page 11, line 20, page 12, lines 5-6, and page 17, line 18 – page 18, line 7.

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Claims 1, 2, 5-10, 13-18, and 21-24 are presently pending.

### The Present Invention

The advent of electronic book readers, the widespread use of personal digital assistants (PDAs), the use of music download devices, such as iPods™, and the like have increased the convenience of reading electronic books, digital media, and the like, making it more likely that such media will be widely accepted in the marketplace. In addition, the portability of these devices and their increased memory capacity make it attractive to travelers to carry electronic books and like media rather than a collection of conventional paper books, CDs, games, or the like.

As described in the Background of the Invention on page 2 of the present application, a widespread and convenient distribution system would greatly increase customer acceptance of electronic books. Customer acceptance will be enhanced if a system can be provided in a place where a customer is likely to frequently go, such as a supermarket, or where having such a system readily available would increase the likelihood and convenience of impulse purchases, such as an airport gift shop or hotel lobby. Acceptance will also be enhanced if the system allows easy access to a wide variety of titles in a single location, with provisions to allow browsing or searching of titles, or other approaches to finding books matching customer interests. Typically, on-line marketing systems which tailor consumers' choices to consumers' preferences base their offered consumer choices on past purchasing history. By relying solely on past purchasing history, consumers' tailored choices are limited. For example, such systems have not been able

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to consider whether the consumer has actually consumed the product or details of how that product was consumed as discussed further below.

The present invention relates generally to electronic media distribution, such as electronic book distribution, and more particularly to advantageous aspects of methods and systems for delivering media, such as electronic books to a contact device such as an electronic book which contains customer specific information. One information distribution system according to the present invention includes a plurality of customer self-service terminals adapted to transfer data to a portable reader or alternatively to a smart card. Referring to Fig. 1 of the drawings, a terminal 100 includes a point of sale terminal for processing financial information, as well as information processing resources for retrieving electronic books and other information and transferring the information to portable readers or smart cards. Referring to Fig. 2, the system 200 provides servers for supporting a plurality of self-service terminals, such as terminal 100, by providing electronic media for distribution and consumption, advertising and customer interface selections, as well as for the collection and processing of customer information collected from the self-service terminals.

Each terminal collects customer information including usage patterns of previously downloaded electronic media based on customer selections made at the terminal or information previously stored in a portable reader. For example, as described in the Detailed Description at page 7, lines 14-17 of the present application, information previously stored includes direct customer entries or information gathered from an analysis of customer reading and purchasing habits. For example, as described in the Detailed Description at page 11, line 16 – page 12, line

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10, usage patterns of previously downloaded electronic media may include various book previews or excerpts read by the customer, completion of electronic surveys by the customer through the portable reader, and the like. The usage patterns of the electronic media are transferred to a central repository and processed for merchandising or customer incentives for purchasing additional electronic media. When a customer initiates a session at a self-service terminal, the terminal retrieves usage patterns of the electronic media and uses these usage patterns to develop customized menus and offer suggestions. By way of example, the portable reader may contain novels which have been purchased, for example, a science fiction novel, a history and a love story. However, the usage information may indicate that only one novel has been read by user of the portable reader. Understanding which book or books have actually been read relative to the books the user intends to read provides valuable information which the present invention may use to offer more accurately targeted alternatives to the customer. As another example, usage information could show a song or song listened to over and over again, as opposed to one seldom listened to.

In order to download a book, in the exemplary embodiment, a customer places an electronic book reader 128 into the cradle 120. The terminal 102 is activated and retrieves usage patterns of electronic media stored in the book reader 128. The terminal 102 analyzes the usage patterns of electronic media and presents a menu of choices to the customer through the LCD panel 104. The customer makes the necessary selections and tenders payment by passing or swiping a credit or debit card through the magnetic stripe reader 106. Upon proper selection and tender of payment, the terminal 100 retrieves the selected title and transfers it to the reader 128.

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The terminal 100 may include books stored locally on appropriate storage media, or may retrieve books from a remote server for transfer. Page 6, lines 6-12.

### The Art Rejections

The Official Action rejected claims 1, 2, 5-10, 13-18, and 21-24 under 35 U.S.C. §103(a) based on Suzuki in view of Heutschi. As addressed in greater detail below, Suzuki and Heutschi do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of Suzuki and Heutschi made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections. As a general matter, it is noted that 35 U.S.C. 103 requires that an invention be considered as a whole. When so considered, the present claims are not obvious.

Suzuki describes an electronic personal shopping system for communicating between a customer's personal memory store, such as a smart card, and point-of-sale (POS) terminals in a retail facility. Suzuki, Abstract. Suzuki's system includes a POS terminal having an integrated circuit (IC) card interface unit for reading and writing to a personal memory store such as a smart card or IC card. Suzuki, Fig. 1. Referring to Figs. 2 and 3, the smart card includes semi-fixed demographic information on the customer and variable data such as shopping history data, incentive points, and coupon codes. At col. 4, lines 58-65 of Suzuki, the personal memory store is used in conjunction with POS terminal or kiosk to develop and display various personalized assistance recommendations to a customer based on an analysis of the demographic information,

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transaction history and current incentive indicia read from the personal memory store. Unlike the present invention, the information stored on the smart card does not relate to consumed electronic media. Further unlike the present invention, Suzuki merely utilizes transaction history to generate personal recommendations. Since Suzuki's system does not include consumable electronic media, no information stored in Suzuki's personal memory store can be used to generate customer selectable options based on usage of electronic media previously downloaded to a customer contact device.

In contrast to Suzuki, the present invention utilizes the usage habits of electronic media by the customer to provide a novel level of target marketing directed to the customer. Claim 1 as presently amended recites "a customer information interface for receiving customer information from a customer contact device and a central repository including purchase and usage patterns, said usage patterns including usage of electronic media previously downloaded to the customer contact device... and a processor ... generating customer selectable options based on the received usage patterns including usage of electronic media previously downloaded to the customer contact device." Utilizing customer usage of previously downloaded electronic media, the generated customer selectable options are advantageously tailored more specifically to the customer than merely looking at transaction history as addressed in Suzuki. See also presently amended claims 10 and 18. Claim 10 recites "customer contact information including customer usage information, said customer usage information including information regarding usage of electronic media previously transferred to the customer contact device." Claim 18 recites "generating customer tailored selectable options based on the retrieved customer information, the

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retrieved customer information including usage of electronic media previously received onto the contact device.”

The Official Action cites col. 5, line 61 – col. 6, line 52 of Suzuki with respect to generating customer information displays based on customer preferences and usage patterns. The disclosure at the cited portion of Suzuki addresses offering promotional items based on the customer’s demographic information or previously purchased items. Suzuki does not teach and does not suggest “generating customer selectable options based on the received usage patterns including usage of electronic media previously downloaded to the customer contact device,” as presently claimed in claim 1.

Turning to the secondary reference relied upon, Heutschi is entitled “Electronic Device, Preferably an Electronic Book.” The disclosure of Heutschi only peripherally describes an electronic kiosk with even less disclosure of an electronic media distribution system. Referring to Fig. 1 of Heutschi, an electronic book reader may download an electronic book from an electronic bookstore over the Internet. The electronic book reader gains access to the electronic bookstore through a data transmission system such as a computer or television. Fig. 2 of Heutschi illustrates a block diagram of a data transmission system which includes a touch screen sensor, credit card reader, money introduction device, data selector, and other various components typical of a general kiosk.

The Official Action suggests that it would be obvious to modify the teachings of Suzuki to include the limitations of Heutschi because “experience show that only simple and user-friendly devices have long-term success in use and in sales.” This suggestion is traversed as not

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accurate and unsupported with respect to the presently claimed subject matter. Many electronic gadgets are prized for their combinations of complex features. In any case, even if the teachings of Suzuki are modified by Heutschi in the manner the Examiner suggests, the result would be an electronic book system where the electronic book device would store transaction history, coupons, demographic, and incentive points. Even this proposed combination would fall short of the presently claimed features.

Heutschi and Suzuki, separately or in combination, do not teach and do not suggest “developing customer tailored selectable options and suggestions based on customer contact information including usage patterns, said usage patterns including usage of electronic media previously transferred to the customer contact device” as presently claimed in claim 1.

Heutschi and Suzuki, separately or in combination, do not teach and do not suggest “developing customer tailored selectable options and suggestions based on customer contact information including customer usage information, said customer usage information including information regarding usage of electronic media previously transferred to the customer contact device,” as presently claimed in claim 10.

Heutschi and Suzuki, separately or in combination, do not teach and do not suggest “generating customer tailored selectable options based on the retrieved customer information, the retrieved customer information including usage of electronic media previously received onto the contact device,” as presently claimed in claim 18.

Turning to the rejection of claim 2, the Official Action relies on Fig. 1 of Suzuki for purportedly disclosing a download cradle adapted to connect to an electronic book reader. As



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described above, Suzuki addresses a smart card application and its disclosure does not even mention an electronic book reader.

Turning to the rejection of claim 5, the Official Action relies on Suzuki at col. 4, lines 37-58 for purportedly disclosing the terminal wherein the "download cradle is adapted to read customer information from the electronic book reader..." Here too, Suzuki's disclosure of a smart card application makes no mention of an electronic book reader as claimed.

Turning to the rejection of claim 6, the Official Action relies on Suzuki for "reading customer information from and writing data to a smart card." Suzuki's disclosure does not teach and does not suggest customer information to include "usage patterns including usage of electronic media previously downloaded to the customer contact device" as presently claimed.

Turning to the rejection of claim 8, the Official Action relies on Fig. 1 of Suzuki as purportedly disclosing a terminal "that is operative to cryptoprocess data for delivery to the electronic book reader." Here too, Suzuki's disclosure of a smart card application makes no mention of an electronic book reader as claimed.

Turning to the rejection of claim 9, the Official Action relies on Heutschi at col. 1, lines 7-15 as purportedly disclosing the terminal "wherein the data transfer interface includes a compact disk recorder for recording software on a recordable compact disk." At the cited portion of text, Heutschi describes prior electronic book memory approaches which include a floppy disc option. Unlike Heutschi, claim 9 addresses a self-service terminal having a compact disk recorder. Heutschi and Suzuki, in combination, do not disclose a self-service terminal with a compact disk recorder.

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Turning to the rejection of claims 18 and 21, the Official Action relies on Heutschi for purportedly disclosing "a method wherein the advertising content and the centrally stored customer information are processed to generate a java applet." The terms "java" and "applet" are not found in Heutschi's disclosure. Further, the reason of "long-term success in use and in sales" as provided by the Official Action to combine the teachings of Heutschi and Suzuki is irrelevant to the features of these claims. Consequently, the Official Action's reading of Heutschi is incorrect, the reason offered to combine references is irrelevant, and, thus, the rejection is improper.

Turning to the rejection of claims 22 and 23, the Official Action relies on Heutschi for disclosing "a loudspeaker and wherein the customer input interface further comprises a microphone for conferencing the customer with a remote help desk operator" and suggests combining this teaching of Heutschi with Suzuki because "experience shows that only simple and user-friendly devices have long-term success in use and in sales." The claimed feature of conferencing with a remote help desk operator does not simply make the self-service terminal user-friendly but it additionally expands the capability of the self-service terminal. Consequently, the Official Action's reason to combine is irrelevant and the rejection is improper.

Turning to the rejection of claim 24, the Official Action relies on Heutschi as disclosing "the terminal wherein the electronic media comprises an electronic book" and provides the same reason to combine the teachings of Heutschi with the teachings of Suzuki as described above. Applicant does not see a nexus between simple and user friendly devices as the reason to combine references and the claim feature of refining electronic media to comprise and electronic

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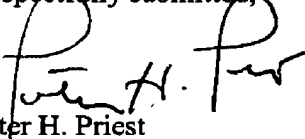
book. Without such a nexus, how could one of ordinary skill in the art been motivated to make the proposed modification. Consequently, the Official Action's reason to combine is irrelevant and the rejection is improper.

The relied upon references fail to recognize and address the problems in the manner advantageously addressed by the present claims. The claims as presently amended are not taught, are not inherent, and are not obvious in light of the art relied upon.

#### Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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